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TO

Confirm a Provisional Order made by the Local Govern-
ment Board for Ireland under the Public Health
(Ireland) Act 1878 relating to the Urban Sanitary
District of Dublin.

A.D. 1895.

WHEREAS the Local Government Board for Ireland have made
the Provisional Order set forth in the schedule hereto under
the Public Health (Ireland) Act 1878 :

41 & 42 Vict.
c. 52.

And whereas it is requisite that the said Order should be
5 confirmed by Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty
by and with the advice and consent of the Lords Spiritual and
Temporal and Commons in this present Parliament assembled
and by the authority of the same as follows :—

- 10 1. The Order set out in the schedule hereto is hereby confirmed
and all the provisions thereof shall have full validity and force.
2. This Act may be cited as the Local Government Board
(Ireland) Provisional Order Confirmation (No. 10) Act 1895.

Order in
schedule
confirmed.
Short title.

A.D. 1895.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

Dublin.

DUBLIN MAIN DRAINAGE.

PROVISIONAL ORDER.

WHEREAS by the Dublin Main Drainage Provisional Order 1892 (hereinafter called the Provisional Order) the Right Honourable the Lord Mayor Aldermen and Burgesses of Dublin (hereinafter called the sanitary authority) were empowered to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement with reference to certain lands and premises therein-mentioned for the purpose of constructing certain sewers and other works for the drainage of the said city:

And whereas it was ordered by the fifth section of the Provisional Order that the sanitary authority should not in any way in the execution construction or the maintenance of the drainage works about to be executed by them interfere with or prejudice the existing rifle range therein-mentioned and that the proposed works should not be commenced until the Principal Secretary of State for the War Department should have agreed in writing that the proposed works would not be in any way injurious to the occupants of the Pigeon House Fort:

55 & 56 Vict.
c. cxxv.

And whereas by the Local Government Board (Ireland) Provisional Order Confirmation (No. 10) Act 1892 (hereinafter called the Act of 1892) the said Provisional Order was confirmed and it was enacted that if within one year from the passing of the Act it should become necessary for the sanitary authority to borrow for the purposes set out in the said Order the sanitary authority might borrow and the Commissioners of Public Works in Ireland might lend one hundred thousand pounds for the purposes of the said Order notwithstanding any restriction contained in section 233 sub-section 2 of the Public Health (Ireland) Act 1878:

41 & 42 Vict.
c. 38.
56 Vict. c. xv.

And whereas by section 3 of the Dublin Corporation Act 1893 (hereinafter called the Act of 1893) section 2 of the Act of 1892 was amended and the period of two years was substituted for the period of one year therein mentioned and it was enacted that the restriction contained in section 233 sub-section 2 of the Public Health (Ireland) Act 1878 should not apply to any sums which the sanitary authority might borrow for the purposes of the Provisional Order whether under the last-mentioned Act or the said Act of 1892:

41 & 42 Vict.
c. 38.

And whereas the drainage works mentioned in the said Provisional Order provided for the interception of all sewers discharging into the River Liffey and for the conveyance of the sewage to certain precipitation tanks and purification works at Whitebank situated to the east of the Pigeon House Fort and the sites of the said tanks and works are included in the lands and premises in respect of which the sanitary authority are empowered by the said Provisional Order to put in force the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement:

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And whereas difficulties have arisen with respect to the said precipitation tanks and purification works at Whitebank and it has become impossible to comply with the provisions of the fifth section of the said Provisional Order by obtaining the agreement in writing of the Principal Secretary of State for the War Department that the said works will not be in any way injurious to the occupants of the Pigeon House Fort and consequently the sanitary authority have been unable to commence the said works:

And whereas in order to remove the difficulties which have thus arisen and to enable the sanitary authority to commence and proceed with the necessary drainage and sewerage works it has been agreed between the Principal Secretary of State for the War Department and the sanitary authority that the sanitary authority shall purchase from the War Department the Pigeon House Fort and the harbour and other accessories thereof on the terms herein-after mentioned and the sanitary authority desire that the construction of the said precipitation tank and purification works at Whitebank shall be abandoned and that in substitution therefor purification and precipitation tanks and other works shall be constructed in the harbour of the said fort:

And whereas the sanitary authority have made an application to the Local Government Board for Ireland (herein-after called the Local Government Board) for a Provisional Order in pursuance of sections 205 and 214 of the Public Health (Ireland) Act 1878 to alter and amend the said Act of 1892 and the said Act of 1893 for the purpose of enabling the sanitary authority to carry out the said agreement and to execute the said altered drainage works:

41 & 42 Vict.
c. 32.

And whereas the sanitary authority have deposited at the office of the Local Government Board in Dublin a plan showing the said fort and lands and other premises to be purchased by the sanitary authority:

And whereas all advertisements and notices required for that purpose having been previously published served and given the Local Government Board have caused a local inquiry to be made and it appears to the Board to be proper to make this Order with reference to the matters aforesaid:

It is ordered by the Local Government Board as follows:—

1. From and after the confirmation of this Order by Parliament the Act of 1892 and the Provisional Order shall be altered and amended as follows:—

Amendment
of the Local
Act and
Provisional
Order of 1892.

(1.) The powers of taking land otherwise than by agreement given by the said Provisional Order shall not be applicable to or

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exercised in respect of the lands and premises at Whitebank east of the Pigeon House Fort shown on the deposited plans and book of references referred to in the said Provisional Order and the construction of the precipitation tanks and outfall works at Whitebank shall not be carried out.

- (2.) The sanitary authority shall purchase and the Principal Secretary of State for the War Department shall sell and convey in fee-simple to the sanitary authority for the sum of sixty-five thousand pounds the following premises :—The Pigeon House Fort including all its buildings harbour beachlip and all other accessories and the submarine mining establishment comprising about fifty-eight acres of land as shown in the deposited plan provided that permission shall be given at all times for troops to pass through the fort to the practice ground outside and to the battery in that locality and that the War Department shall be at liberty to remove the cranes in the said fort and harbour and that the transfer and conveyance shall be subject to the rights already conferred on the Rathmines and Pembroke Main Drainage Board.
- (3.) The sanitary authority shall construct in the harbour of the Pigeon House Fort as shown in the deposited plan the precipitation purification and outfall works required for purifying and disposing of the sewage and other matters and for carrying out the system of sewerage and drainage of the city of Dublin referred to in the said Provisional Order of 1892 as altered by this Order.

Sewerage works to be commenced forthwith on the confirmation of this Order.

2. When this Order has been confirmed by Parliament the sanitary authority shall be empowered forthwith to commence and carry out the said drainage sewerage and sewage works including the construction of the tanks and other purification works to be constructed in the harbour of the Pigeon House Fort.

To protect the rights of the Rathmines and Pembroke Main Drainage Board.

- 3.—(1.) The sanitary authority shall make good any damage caused to the outfall sewer of the Rathmines and Pembroke Main Drainage Board by reason of the works referred to in or authorised by this Order and shall indemnify the said Board against all loss and damage which may hereafter accrue by reason of the said works.

(2.) Notwithstanding anything contained in this Order the Rathmines and Pembroke Main Drainage Board shall at all times have access to their outfall sewer for the purpose of necessary alterations of or additions thereto within the limits of their powers under their Act and shall have control of all ventilators manholes or other openings therein and shall upon reasonable notice have passage for their servants agents and workmen with horses and carts through the roadway of the Pigeon House Fort whenever the same shall be deemed necessary for the discharge of their duty as such Rathmines and Pembroke Main Drainage Board.

(3.) Provided always that this clause shall not confer any power on the Rathmines and Pembroke Board to construct any works other than those already authorised by their said Act.

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(4.) Notwithstanding anything in this Order contained the sanitary authority shall not be entitled to interfere with the main sewers drains gas or water mains of the Pembroke Township Commissioners until they have submitted to the said Commissioners plans and sections of the proposed works and within one month after such plans have been furnished the sanitary authority may proceed with the work.

(5.) The sanitary authority shall make good all loss and damage caused to the roads pathways adjoining houses main drains sewers water or gas mains by reason of the works hereby referred to or authorised and shall keep the said Township Commissioners indemnified against all loss or damage which may hereafter accrue by reason of such works.

(6.) Nothing in this Order contained shall affect the rights of the said Main Drainage Board under the powers conferred by the Rathmines and Pembroke Main Drainage Act 1877 and existing under the arrangement in force with the War Department.

40 & 41 Vict.
c. xxxvii.

4. All provisions contained in section 9 of the Provisional Order of 1892 for the protection of the Dublin Port and Docks Board shall apply to the works and plans as altered hereby and shall have effect in relation thereto in the same manner as if the same were repeated herein.

To protect the rights of the Dublin Port and Docks Board.

5. On the confirmation of this Order section 2 of the Act of 1892 and section 3 of the Act of 1893 shall be amended and the period for exercising the powers of borrowing thereby conferred shall be enlarged and shall extend to and include the first day of May one thousand eight hundred and ninety-seven.

Enlargement of time for exercising borrowing powers.

6. This Order shall not in any way alter impair or affect the powers possessed by the sanitary authority under the Provisional Order and the said Acts of 1892 and 1893 save to the extent to which the said Order and Acts are expressly altered or amended hereby and the several provisions of the third section of the Provisional Order relating to the housing of the working classes shall extend to and apply so far as may be necessary to the premises to be taken in pursuance of the present Order.

Continuance of existing powers.

7. The limits within which the sewage works authorised by or referred to in this Order may be made or constructed are those defined in the said deposited plans and book of reference and the deposited plans and book of reference mentioned in the said Provisional Order of 1892.

Limits within which the powers of Order may be exercised.

8. The sanitary authority shall for the purpose of this Order and for carrying out the said agreement with the Secretary of State for the War Department mentioned in section 1 (3) of this Order have and

Power of purchase by agreement.

